

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)	
)	
Implementation of the Subscriber Carrier)	
Selection Changes Provisions of the)	
Telecommunications Act of 1996)	
)	CC Docket No. 94-129
Policies and Rules Concerning)	
Unauthorized changes of Consumers)	
Long Distance Carriers)	

**INITIAL COMMENTS OF THE
MISSOURI PUBLIC SERVICE COMMISSION**

In its Second Report and Order and Further Notice of Proposed Rulemaking, released December 23, 1998, the Federal Communications Commission (the "FCC") requested comments on additional proposed rules concerning unauthorized changes of consumer's telecommunications providers. In these Initial Comments the MoPSC will separately address some of the proposed rules on which comment was requested in the FCC's December 23rd Order.

1. Recovery of Additional Amounts from Unauthorized Carriers

The MoPSC agrees with the FCC's tentative conclusion that the FCC has authority to impose additional penalties on unauthorized carriers. Specifically, where a subscriber has paid charges to the unauthorized carrier, the authorized carrier can collect from the unauthorized carrier double the amount of charges paid by the subscriber during the first 30 days after the unauthorized change.

If the customer has not paid charges to the unauthorized carrier, the authorized carrier can collect from the unauthorized carrier the amount that would have been billed by the authorized

carrier had the unauthorized change not occurred.

These modifications to the FCC's rules should provide two main benefits. One benefit is that these changes would make slamming even more unprofitable to carriers that make unauthorized changes. In addition, the proposal will minimize the monetary impact of slamming on carriers who have lost customers to carriers making unauthorized carrier changes. The MoPSC supports this proposed change in the rules as a reasonable measure to curb the practice of slamming.

2. Independent Third Party Verification

The current MoPSC rules would not permit verification of carrier changes by the carrier's representative. The FCC has asked for comment concerning whether live-scripted calls from the carrier's representative would meet the requirement that third party verification be done by "truly independent" verifiers. Such an arrangement would not comply with the Missouri rule. The MoPSC believes that the independence of verifiers is an important aspect of confirming carrier changes for the protection of both consumers and the companies making such changes. A carrier's involvement, if any, in independent third party verification calls should be limited solely to monitoring the call. Carriers should not be allowed to actively participate in the verification even if the carrier uses "live-scripted" questions.

The FCC has also asked for comment concerning automated systems. Automated independent third party verification systems would meet the requirements of the Missouri Rules and should be permitted as a cost effective option. It might be helpful if the customer were to be informed about the use of the automated independent third party verification system before the customer is transferred to such a system.

If this option is to be used, it should meet all of the current requirements for independent third party verification and should be limited to the purpose of verifying a consumer's choice of telecommunications carrier.

3. Carrier Changes Using the Internet

The MoPSC agrees with the FCC that the internet is a convenient method to change carriers. However, the MoPSC also agrees with the FCC's tentative conclusion that a subscriber's merely typing their name in a signature block would not meet LOA requirements.

Electronic signatures done by simply typing a name do not provide adequate verification of the "signer." The alternate methods for verification such as downloading a signature page, that was used only to meet the LOA requirements, would meet the Missouri rules. The carrier should allow the customer to select various verification options including, but not limited to, downloading a form, providing a credit card number or providing their mother's maiden name.

4. Definition of "Subscriber"

The Missouri rules do not define "subscriber." Such a definition could help determine the person(s) responsible for making carrier change decisions. The FCC has suggested two options: 1) using only the names on the bill; and 2) allowing a subscriber to name additional parties. This second option would require that the billing carrier maintain a list of persons authorized to make carrier changes. Maintaining a list of additional persons in the household allowed to make carrier change decisions is an unnecessary burden on the billing carrier. The definition of "subscriber" should be limited to the named party or parties on the telephone bill.

5. Third party Administrator for Preferred Carrier Changes and Preferred Carrier Freezes.

The MoPSC strongly opposes implementation of a comprehensive system in which an

independent third party would administer all changes. The need for such an administrator has not been established and it is too early in the process for such a determination.

The MoPSC appreciates the opportunity to make these comments.

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